

November 22, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, D.C. 20554

**Re: Ex Parte Presentation
CC Docket 92-105**

Dear Ms. Dortch:

On Thursday, November 18, 2004, Michael Altschul, Senior Vice President, General Counsel, and Lori Messing McGarry, Director of Policy, for CTIA – The Wireless Association™ met with Narda Jones, Chief, Cheryl Callahan, Assistant Chief, and Regina Brown, all of the Telecommunications Access Policy Division, Wireline Competition Bureau, and John Branscome, Legal Advisor, and Jennifer Salhus, Policy Division of the Wireless Telecommunications Bureau regarding the establishment of a nationwide toll-free three-digit telephone number for “One Call” systems pursuant to Section 17 of the Pipeline Safety Improvement Act of 2002 (PL 107-355).

CTIA discussed the issues raised in CTIA’s July 8, 2004 Comments, specifically CTIA’s support for utilization of the “811” abbreviated dialing code as the preferred solution necessitated by the specificity of the Pipeline Safety Improvement Act, but conditioned on the continued voluntary use of the mnemonic “#344” by the wireless carriers who now use this code (which reflects the word “DIG”) to connect callers with the appropriate One Call Center and who may wish to continue to use it as a valuable alternative to “811” for those professional excavators who already are familiar with “#DIG”.

As the NANC recommended in its December 4, 2003 *Recommendation for Abbreviated Dialing for One Call Notification*, CTIA urged the Commission to require a one to two year transition period for carriers to implement the “811” code. CTIA also objected to the notion, raised for the first time in the July 23, 2004 Reply Comments of the U.S. Department of Transportation, opposing the *voluntary* continued use of “#344” by wireless carriers if the Commission designates “811” to reach One Call Centers. In addition to CTIA and Cingular Wireless, Sunoco Pipeline L.P., the Common Ground Alliance (which represents 15 stakeholder groups) and the American Petroleum Institute and Association of Oil Pipe Lines (representing 51 interstate common carrier oil pipeline companies) also support the continued use of “#344” for as long as individual wireless carriers choose to support this number. As the American Petroleum Institute and Association of Oil Pipe Lines stated in their comments, “[t]he objective is to provide



several alternatives for excavators to call.... [I]t does not matter which number they use as long as they remember and use a number.”

In addition to the strong public safety interest supporting the voluntary continued use of “#344” as an alternative in addition to the use of the “811” dialing code, CTIA also noted, (1) Section 17 of the Pipeline Safety Improvement Act only directs the FCC to establish a 3-digit nationwide toll-free telephone number system to be used by State one-call notification systems, and there is nothing in the Act that requires, or even suggests, that this 3-digit number be the *exclusive* number for One Call systems; (2) the FCC did not provide notice in the May 1, 2004 *Notice of Proposed Rulemaking* (FCC 04-111) that it would prohibit carriers who wished to support more than one number for one-call notification systems from so doing; and (3) that the Commission has no authority to prohibit wireless carriers from choosing to allow excavators to use the “344” code as an alternative number in addition to the “811” code because Congress gave the FCC authority and jurisdiction only over numbering resources that are part of the North American Numbering Plan (“NANP”) and it is well established that numbers that begin with a “#” (“pound sign”) are not part of the NANP and are not classified as numbering resources. CTIA stressed that numbers that begin with the pound sign are not used as part of the PSTN, but rather they are features carriers may offer customers in a competitive marketplace.

Pursuant to Section 1.1206 of the Commission’s Rules, this letter is being electronically filed with your office. If you have any questions concerning this submission, please contact the undersigned.

Sincerely,

/s/ Michael Altschul

Michael Altschul

cc:

Narda Jones, Chief, TAPD, WCB
Cheryl Callahan, Assistant Chief, TAPD, WCB
Regina Brown, TABD, WCB
John Branscome, Legal Advisor, WTB
Jennifer Salhus, Policy Division, WTB

